

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 DAVID BOOKER,

Case No. 2:22-cv-02099-RFB-EJY

5 Plaintiff,

6 v.

7 **ORDER**

JOSEPH LOMBARDO, *et al.*,

8 Defendants.

9

10 On December 19, 2022, Plaintiff submitted a Civil Rights Complaint under 42 U.S.C. § 1983.
11 ECF No. 1-1. The Complaint was not accompanied by payment of the \$402 filing fee for a civil
12 action or an application to proceed *in forma pauperis*.

13 Under 28 U.S.C. § 1915(a)(2) and LSR 1-2, an inmate seeking to commence a civil action in
14 this Court may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action
15 without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit
16 **all three** of the following documents to the Court:

- 17 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's
18 approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
19 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
20 (i.e. page 4 of this Court's approved form), and
21 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
22 **six-month period**.

23 In the absence of an application to proceed *in forma pauperis* or payment of the filing fee, Plaintiff's
24 Complaint will not be screened.

25 Accordingly, IT IS HEREBY ORDERED that on or before **February 13, 2023**, Plaintiff
26 must either pay the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application**
27 **to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial**

Certificate properly signed by both the inmate and a prison or jail official; and (3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **February 13, 2023**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows Plaintiff to file his case with the Court, under a new case number, when he is able to comply with LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1), but will not file it at this time.

IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved form application to proceed *in forma pauperis* for inmate along with the information and instructions for filing the same.

Dated this 11th day of January, 2023.

Elayna J. Youchah
ELAYNA J. YOUCAH
UNITED STATES MAGISTRATE JUDGE